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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/561,539	02/28/2007	Hitoshi Suzuki	80319(302753)	9393
21874 7590 08/31/2010 EDWARDS ANGELL PALMER & DODGE LLP P.O. BOX 55874 BOSTON, MA 02205				
EXAMINER				
BATTULA, PRADEEP CHOUDARY				
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3725				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/561,539

Applicant(s)

SUZUKI ET AL.

Examiner

PRADEEP C. BATTULA

Art Unit

3725

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 February 2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 9-16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 9-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/CD)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This action is in response to the reply filed on February 18, 2010

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9 – 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Oetiker in view of Boyd (U.S. 565,257).

In regards to Claim 9, Oetiker discloses ring compression device 10 (Column 4, Lines 32 – 35; Figure 1, Item 10; Column 7, Lines 28 – 34 discuss the second embodiment has similar items to the first; Column 9, Lines 14 – 21 discusses the third embodiment is close the second and therefore close to the first) that applies force on a periphery of a ring to thereby compress the ring and fix the ring on a mounting body placed inside the ring (Column 9, Lines 14 – 16 disclose it is to be mounted and shrunk over the object it is to fasten), comprising: a non-rotatable substrate having a central axis O (Figure 21, Item O; Figure 45); a plurality of longitudinal pressing members 330 arranged on a first plane different from that of the substrate and radially around the central axis (Figure 21, Items 130, O; Figure 45, Item 330), each of said pressing members having one end pointing toward the central axis (Column 8, Lines 61 – 67 → Column 9, Lines 1 – 7; Figure 21, Items 130, O; Figure 45, Item 330), the pressing members capable of freely moving toward or away from the central axis in the first plane

(Column 8, Lines 61 – 67 → Column 9, Lines 1 – 7 teaches of the moving in and out of the pressing members); a rotating body 323 [all individual rollers are together considered one element] configured to rotate around the central axis in second plane that is parallel to the first plane (Column 9, Lines 25 – 31; Figure 45, Items 323 are rollers and considered to rotate around the axis since the guides are not directly moving into the axis and therefore the movement of rollers and guide are going around the central axis based on the guides they are in); a driving mechanism 360 that engages with the rotating body and the pressing members such that when the rotating body rotates, all of the pressing members integrally move toward the central axis and apply force on the periphery of the ring with the one end of each of the pressing members (Column 6, Lines 40 – 60 discusses the movement of the pressing members; Column 7, Lines 28 – 34 discuss the second embodiment has similar items to the first; Column 9, Lines 14 – 21 discusses the third embodiment is close the second and therefore close to the first).

Oetiker does not disclose a hooking mechanism that hooks the ring, the hooking mechanism having a claw member abutting on an edge face on one side of the ring on the side of the substrate and also having a movable claw member abutting on an edge face on the other side of the ring on the tip side of the specific pressing member.

Boyd teaches of a coupler wherein to support the coupling two supports *m* on opposite sides from one another hold the coupling when the compression is to take place (Page 1, Lines 79 – 89; Figure 2, Item *m*). Furthermore considering that they project beyond the inner faces of the pressing members *d*, there will be some sort of

hooking since it is holding the pipe in place (Figure 2, Item *m* shows the extension beyond the pressing member). Therefore it would have been obvious to a person having ordinary skill in the art at the time the invention was made to provide Oetiker with the same member as Boyd in order to provide a support for the coupling of the object and ring to be compressed around it (Page 1, Lines 79 – 89).

In regards to Claim 10, Oetiker modified by Boyd further discloses wherein the rotating body has an initial position at which the one end of at least one of the pressing members is located on a circle around the central axis that corresponds to the periphery of the ring and the one end of each of the other pressing members is located outside of the circle (There will be a crimped and uncrimped position; Furthermore the support of Boyd extends beyond the pressing member and can be placed on several pressing members so in some situations they can be the hooking mechanism or an extension of the pressing mechanism and therefore located on the circle around the axis since it is farther in than other pressing members), and the driving mechanism engages with the rotating body and the pressing members such that, when the rotating body rotates, the one end of each of the other pressing members moves toward the circle, and once the one end of each of the other pressing members is located on the circle, all the pressing members move towards the central axis (Column 6, Lines 40 – 60 discuss the movement of the drive mechanism and the movement of the pressing member results; Figure 45 shows how all elements meet and aligned toward the central axis; Oetiker).

In regards to Claim 11, Oetiker modified by Boyd further discloses wherein, in an initial state, the one end of at least one of the pressing members is located on a circle

with the central axis as a center and diameter of the ring as a diameter, and the one end of each of the other pressing members is located outside of the circle (Figure 45 of Oetiker shows the pressing members not at the crimped position and therefore outside the circle aligned with the central axis as the center), wherein the driving mechanism engages with the rotating body and the pressing members such that, when the rotating body rotates, the one end of each of the other pressing members moves toward the circle, and once the one end of the other pressing members is located on the circle, all the pressing members move towards the central axis (Column 6, Lines 40 – 60 of Oetiker).

Oetiker modified by Boyd further discloses the device further comprising a holding mechanism configured to hold the mounting body in such a manner that the mounting body is aligned to the central axis (Page 1, Lines 79 – 89 of Boyd teaches that the supports are placed at spaced intervals and Figure 2 shows that more than 2 can be used. One can consider one set the hooks and the other set being the holding mechanism).

In regards to Claim 13, please review the rejections of Claims 9 – 12 where the limitations combined will meet that of Claim 13.

In regards to Claim 14, please review the rejections of Claims 9 – 12 where most of the limitations have been discussed except for the holding mechanism in relation to the substrate. With respect to the limitation of the claw abutting an edge face on the side of the ring on the side of the substrate Boyd further states in Page 1, Lines 79 – 89 that the supports/hooks mechanisms are placed at spaced intervals and can be in

several places as seen in Figure 2. The hooking mechanism on the same side of the substrate is just a matter of placement on particular pressing members.

In regards to Claims 15 and 16, Oetiker modified by Boyd discloses the limitations as seen in Claims 9 – 14. Furthermore, with respect to the controlling of Claim 16, please review the discussion of Boyd in the previously cited claims where it is discussed that Boyd's supports can exist on several pressing members.

Response to Arguments

Applicant's arguments with respect to the pending claims have been considered but are moot in view of the new ground(s) of rejection. It is further noted that with the new interpretation of the art and new art cited, this action is a non final rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to PRADEEP C. BATTULA whose telephone number is (571)272-2142. The examiner can normally be reached on Mon. - Thurs. & alternating Fri. 7:00AM - 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dana Ross can be reached on 571-272-4480. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/P. C. B./
Examiner, Art Unit 3725
August 28, 2010

/Dana Ross/
Supervisory Patent Examiner, Art
Unit 3725